

March 20, 2012

Dr. Gregory F. Scholtz
Associate Secretary and Director
Department of Academic Freedom, Tenure and Governance
American Association of University Professors
1133 Nineteenth Street, NW, Suite 200
Washington, DC 20036-3655

Dear Dr. Scholtz,

I regret that campus commitments have delayed my response to your letter dated March 2, 2012. I hope that, on behalf of the University of Northern Iowa, the provost and I can work with you to resolve the concerns expressed in both your March 2nd and March 16th letters.

Like many other public universities, the University of Northern Iowa (UNI) has experienced an unprecedented reduction of state funding in just over three years. Since Fiscal Year 2009 our state appropriation has declined by \$23.6 million, a 24% reduction in state support. These reductions in state appropriations affect UNI disproportionately, as compared to our sister institutions, since 92% of our students are Iowans who pay in-state tuition. During this same period, tuition increases have been limited so that Iowa families would not bear a higher tuition burden during difficult economic times. UNI's resources and its ability to increase revenue place severe constraints on our general operating fund budget. At the same time that we are experiencing limitations on our funding sources, we face rising costs. Increases in salary and salary-dependent benefit costs in Fiscal Year 2013 alone will total \$4.04 million. This has, as I am sure you know, placed UNI in the very difficult position of having to determine how to meet its costs and fulfill its educational mission with significantly fewer resources.

Administrators at the University of Northern Iowa take very seriously principles of academic freedom and shared governance. In addition, the University must also honor and fulfill its contractual obligations to the faculty as reflected in the Master Agreement with United Faculty. This Agreement was negotiated at arms-length with United Faculty and, itself, incorporates important principles of shared governance. I do not know if you are fully aware of how the provisions of the Agreement work in this situation or of the circumstances at UNI leading up to the closures at issue, and I feel these are important to understand in order to place UNI's decisions in the proper context.

While you cite the actions of the University of Louisiana system as an example of actions that may lead to sanction by AAUP, you should know that UNI's situation is quite different. This circumstance is governed by the Master Agreement's provision on staff reduction. Unlike at Louisiana, no tenured faculty members are being terminated at UNI. Rather, the applicable contract provision is a layoff provision, pursuant to which tenured faculty members are the last to be laid off when a reduction in the number of faculty in a defined "program area" becomes necessary. In addition, tenured faculty members have other protections. Prior to implementation of any layoff of tenured faculty members, an individual is eligible for transfer into any open position for which the individual has the necessary qualifications and terminal degree. Tenured faculty who are laid off also retain recall rights for as long as they notify the University of their continuing interest in employment and their contact information every three years.

Moreover, in the present instance, the University went beyond what was strictly required by the Agreement. In an effort to avoid implementing the staff reduction provisions of the Master Agreement that could lead to the layoff of tenured faculty, the Board of Regents gave the University approval to offer an Early Separation Incentive Plan (ESIP) to tenured faculty in programs which are to be closed or restructured, reducing the need for faculty. Any tenured faculty member who accepts the ESIP will receive one year's salary and a cash payment based on 18 months of participation in health and dental insurance through COBRA plus up to \$2000 for accumulated sick leave. The cash payment for benefits provides maximum flexibility for those individuals who may seek other employment while providing for continuation of health and dental insurance benefits for a substantial period of time for those who will need it. This is more than is required under the Master Agreement, but the University is committed to offering this option precisely because it values its tenured faculty and wishes to minimize the disruption to their professional and personal lives (which, we believe, is consistent with the normative principles that the AAUP references).

In addition, UNI has afforded and will continue to afford all faculty members their due process rights. For example, the concept of "program areas" is central to the relevant provisions of the Master Agreement, and this has necessitated assignment of faculty to affected programs. The University has worked diligently to ensure that these assignments are valid, and the faculty has been a central part of this process. The information used by the Provost to make initial program assignments included (i) the terms of a faculty member's offer letter, (ii) the faculty member's terminal degree, (iii) the relevant area of specialization, and (iv) a review of 3-5 years of teaching assignments, scholarly pursuits, and outputs. The assignments resulting from this analysis have since been shared with the faculty members assigned to programs subject to closure. Those faculty members have until March 23rd to verify or challenge the accuracy of the information used to make program assignments. Any new or corrected information will then be used to make final determinations of program assignment. The University believes that this cooperative process will result in the most accurate and appropriate assignment of faculty members to program areas.

The University understands that, consistent with its emphasis upon shared governance, AAUP recommends consultation with the governing body of the faculty with regard to curricular matters. In UNI's case, this is the Faculty Senate. Because of the interplay between the faculty union and the Faculty Senate, timing of the provost's consultation with the Senate was a significant issue. Consistent with the provisions of the Master Agreement, the consultation process began with meetings involving the provost and faculty union regarding the threshold question as to what defines a "program area." The provost and I were legitimately concerned that discussions with the Faculty Senate about program closure would be viewed by the union as a breach of our contract obligations. Once the discussions regarding the definition of "program area" were well underway with the Union, however, the provost, associate provosts, and academic deans held two executive sessions with the Senate. Significant changes were made to the preliminary listing of proposed closures and program restructurings based on the input of the Faculty Senate. For example, majors in philosophy and world religions are to be restructured rather than closed and a decision was made to retain the B.S. in physics and ask the faculty to restructure the major. In all, 25 programs were either removed from the closure/restructure list or moved from closure to restructure, following consultation with the Faculty Senate. In short, the consultations with the Faculty Senate have been substantive and valuable, and clearly they had a meaningful effect on the final recommendations.

I think it is also important to note that the previous provost instituted a review of all academic programs by an ad-hoc faculty committee in 2008 – 2009, and those recommendations helped inform the current discussions and decisions. The current provost then followed up on this review during 2010 – 2011, consulting with the Faculty Senate about budget issues and leading discussions of case studies involving low-enrolled programs. Although that process was preliminary, it afforded the Faculty Senate an opportunity to engage in discussions with the provost about possible program closures and restructurings.

As in any new or unfamiliar situation, there is much to be learned about how to improve processes. The administration acknowledges that faculty and their governance bodies are upset with the decision making process, and we will work with the Senate to determine whether it is possible to craft program review processes that will incorporate even more significant and earlier faculty involvement. I have already met with the leadership of the Faculty Senate and with provost's office staff to discuss whether there are better means of consultation in such circumstances. One result of these discussions has already been a commitment on the part of the administration and Faculty Senate budget committee to consult on a regular basis, to ensure that the budget issues are fully understood and that the best thinking of the faculty is included in those budgeting deliberations. And, I plan to make myself available to the Faculty Senate more frequently for consultation and to answer questions

In summary, UNI fully intends to honor its obligations to faculty, as specified in the collective bargaining agreement negotiated with the faculty union. The University is also highly committed to principles of academic freedom and shared governance, and it believes that the process leading up to these closure decisions honored these principles. UNI is committed to continuing and enhancing its policies and procedures to promote shared governance. We hope that this letter responds to the AAUP's concerns and that, when the Association reviews the information summarized above, further investigation is deemed unnecessary. Please feel free to address any further questions to Virginia Arthur, Associate Provost for Faculty Affairs. She may be reached by phone at 319-273-2519 or by e-mail at virginia.arthur@uni.edu.

Sincerely,



Benjamin J. Allen
President

cc: Mr. Bob Donley, Executive Director, Board of Regents, State of Iowa
Gloria Gibson, Executive Vice President & Provost
Virginia Arthur, Associate Provost for Faculty Affairs
Professor James Jurgenson, Faculty Chair
Professor Jeffrey Funderburk, Chair, Faculty Senate
Professor Catherine DeSoto, President, University of Northern Iowa United Faculty—AAUP
Professor Nancy Reincke, President, Iowa Conference AAUP